

C353.1

N87s

1902/04


UNIVERSITY OF N.C. AT CHAPEL HILL



00032750700

FOR USE ONLY IN

THE NORTH CAROLINA COLLECTION



Digitized by the Internet Archive
in 2009 with funding from
Ensuring Democracy through Digital Access (NC-LSTA)

BIENNIAL REPORT

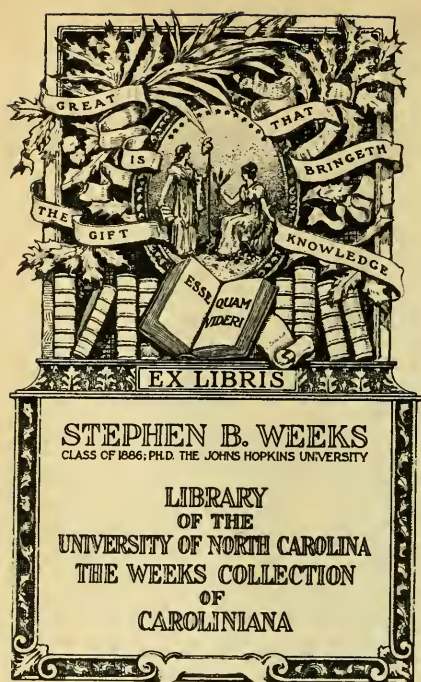
OF THE

SECRETARY OF STATE

FOR THE

TWO FISCAL YEARS ENDING NOVEMBER 30, 1904.

353.1
875



C 353.1 - N875

1903-4

BIENNIAL REPORT

OF THE

SECRETARY OF STATE

*Compliments of
J. B. Paul Smith
Secy of State.*

RALEIGH:

E. M. UZZELL & CO., STATE PRINTERS AND BINDERS.

1904.



STEPHEN B. WEEKS

CLASS OF 1886; PH.D. THE JOHNS HOPKINS UNIVERSITY

LIBRARY
OF THE
UNIVERSITY OF NORTH CAROLINA
THE WEEKS COLLECTION

BIENNIAL REPORT

OF THE

SECRETARY OF STATE

FOR THE

TWO FISCAL YEARS ENDING NOVEMBER 30, 1904.

RALEIGH:

E. M. UZZELL & CO., STATE PRINTERS AND BINDERS.

1904.



CONTENTS.

	PAGE.
Public Lands	5
The Code	7
Supreme Court Reports	7
Side-noting and Indexing the Laws	8
Enrollment of Bills	8
Hall of Records	9
Trade-marks	11
Banks	12
Railroads	12
Foreign Corporations	12
Corporations	13
Payments to Treasurer for 1903	14
Payments to Treasurer for 1904	14
Extra Clerical Assistance	15

The Lists of Corporations are now being printed and will be included in the complete report now in press.

BIENNIAL REPORT

OF THE

SECRETARY OF STATE

FOR THE

TWO FISCAL YEARS ENDING NOVEMBER 30, 1904.

STATE OF NORTH CAROLINA,
DEPARTMENT OF STATE,
RALEIGH, December 1, 1904.

To His Excellency, CHARLES B. AYCOCK,
Governor.

SIR:—I have the honor to submit to you, as required by the Constitution, a report concerning this department for the two years ending November 30, 1904, and to request you to transmit the same to the General Assembly.

PUBLIC LANDS.

Within the last two fiscal years there have been issued from this office seven hundred and eighty-nine grants of public lands, on which account there has been paid to the Treasurer \$11,230.60.

These grants were as follows for the year:

	Nov. 30, 1903.	Nov. 30, 1904.
Regular grants	383	339
Cherokee Grants	22	13
Road grants	15	12
Shell-fish grants	3	2
	<hr/> 423	<hr/> 366
Amount paid to Treasurer for year.	\$4,540.25	\$6,690.35

The increased values of land from the general business improvement, demand for timber lands and the mining development in Western North Carolina has caused a great movement of land sales and the time of Mr. Norwood, Chief Clerk, is almost entirely consumed in "searches" for plots, surveys of old grants, records, and in issuing new grants.

In my last report I called attention to some deficiencies in the entry laws and recommended certain changes, which were made by the last Legislature.

Public lands are now sold at fifty cents or more an acre instead of twelve and a half cents and fifteen cents an acre, as heretofore. Instead of advertising for ten days at the court-house door as formerly, it is now required to advertise for thirty days at three places in the township where the land is situate and at the court-house door and in the county newspaper.

Formerly if the warrant and survey appeared regular and no protest had been filed in the ten days allowed by the law, the Secretary of State was required to issue a grant for land, even though it was known to belong to other parties and not subject to entry. Now the Secretary of State is given discretionary powers and is not required to issue a grant if he has reason to believe that the land is already the property of an individual or is owned by the State Board of Education.

The following is a table of grants issued since 1882:

Number grants issued two years ending December 1, 1882,	
1,189; amounts paid Treasurer.....	\$10,912.87
Number grants issued two years ending December 1, 1884,	
1,329; amounts paid Treasurer.....	13,186.73
Number grants issued two years ending December 1, 1886,	
990; amounts paid Treasurer.....	5,975.69
Number grants issued two years ending December 1, 1888,	
893; amounts paid Treasurer.....	9,493.49
Number grants issued two years ending December 1, 1890,	
1,453; amounts paid Treasurer.....	15,570.43

Number grants issued two years ending December 1, 1892, 1,358; amounts paid Treasurer.....	\$16,831.11
Number grants issued two years ending December 1, 1894, 703; amounts paid Treasurer.....	5,200.73
Number grants issued two years ending December 1, 1896, 547; amounts paid Treasurer.....	9,234.46
Number grants issued two years ending December 1, 1898, 599; amounts paid Treasurer.....	6,337.13
Number grants issued two years ending December 1, 1900, 665; amounts paid Treasurer.....	6,384.69
Number grants issued two years ending December 1, 1902, 732; amounts paid Treasurer.....	6,911.88
Number grants issued two years ending December 1, 1904, 789; amounts paid Treasurer.....	11,230.60

THE CODE.

The supply of The Code is practically exhausted and the sale was discontinued, as there were just a sufficient number on hand for the use of the General Assembly.

The Legislature of 1903 appointed a Commission to revise the Public Laws (chapter 314, Public Laws 1903), five hundred copies of which revision were to be delivered to the Secretary of State by November 15, 1904, and were to be distributed by him to the State officers, Judges and members-elect of the General Assembly.

Volume I Revised Statutes of North Carolina has been delivered to this office and was distributed the same day they were received. Volume II will be distributed as soon as delivered to me.

SUPREME COURT REPORTS.

During the last two fiscal years there has been paid into the State Treasury on account of the sale of Supreme Court Reports \$9,842.25. Many numbers of the older Reports are out of print: these Reports, with annotations by Chief Justice Walter Clark of the Supreme Court Bench, are being re-printed.

During the years of 1902 and 1903, volumes 14, 21, 47, 54, 55, 56, 57, 59 and 75 have been reprinted.

The sale of Reports for the past few years has been as follows:

Two years ending December 1, 1882.....	\$3,352.40
Two years ending December 1, 1884.....	4,626.90
Two years ending December 1, 1886.....	3,253.00
Two years ending December 1, 1888.....	3,762.49
Two years ending December 1, 1890.....	4,002.02
Two years ending December 1, 1892.....	2,618.01
Two years ending December 1, 1894.....	621.12
Two years ending December 1, 1896.....	6,026.89
Two years ending December 1, 1898.....	5,759.55
Two years ending December 1, 1900.....	7,692.59
Two years ending December 1, 1902.....	7,026.89
Two years ending December 1, 1904.....	9,842.25

For want of room to properly store the Reports in cases, it is impossible to check up accurately the number of the various volumes on hand.

SIDE-NOTING AND INDEXING THE LAWS.

The General Assembly of 1903 authorized the Secretary of State to have the Laws side-noted and indexed and to pay therefor the sum of five hundred dollars.

This amount is insufficient to have the work properly done. Six hundred dollars at least should be paid, which was the amount allowed prior to 1897, when the Laws were about half the number and volume of those passed by the past several General Assemblies.

ENROLLMENT OF BILLS.

The Legislature of 1903 abolished the office of Enrolling Clerk and placed the enrollment of bills under the supervision of the Secretary of State.

The Secretary of State was authorized to employ necessary assistants and such copyists as were needed to enrol bills and resolutions. The assistants were to be paid four dollars per diem and mileage and the copyists ten cents a copy-sheet, this price to include one carbon copy. Under this arrangement

the bills were enrolled promptly and neatly by typewriters, and when bound make much handier books than the large, bulky volumes into which the large hand-written pages were heretofore bound.

In 1901 the State paid the employees in the Enrolling Department for one copy of 1,207 acts and 56 resolutions \$3,868.12. In 1903 the State paid the employees in the Enrolling Department for *two* copies (the original record and carbon copy for the printers) of 1,230 acts and 37 resolutions, \$2,271.61. Prior to 1903 the Secretary of State made a copy for the printers. Now the carbons made by copyists are used for this purpose.

The bills should be printed daily as introduced, but this seems impracticable for want of adequate printing facilities. The present method is a great improvement over the plan heretofore in operation. All bills should be type-written when introduced, the public bills at State expense and private bills at the cost of interested parties.

Type-written bills and resolutions passing without amendment should be enrolled without being engrossed, as this will save the State considerable unnecessary expense.

If the Engrossing Departments of the House and Senate were combined and made into one department, and the copying therein done with typewriters, it would be in the interest of accuracy and economy. The Chief Engrossing Clerk and assistants could be appointed by the Speaker of the House and President of the Senate. The Journals should be printed daily and a copy placed on the desks of the members of the Legislature every morning. The Journal deposited in the office of the Secretary of State as the record should be type-written, a carbon copy being made at the same time for the printers.

HALL OF RECORDS.

For many years the Secretaries of State have biennially called the attention of the Legislature to the imperative need

of more room in which to file records and valuable papers belonging to this department. Papers, documents and books cannot be conveniently arranged or properly cared for in the rooms now employed for this purpose, and the danger from fire is great.

In the fourth story of the Fisher Building are stored many tons of books, subject to damage from leakage, and no suitable place is obtainable to remove these books to; in the room of the third floor of the Capitol, formerly occupied by the Superintendent of Public Instruction, are books, all the Revolutionary pay-rolls, etc., records, many historical papers and much of the manuscript from which Colonel Saunders and Judge Clark compiled the Colonial and State Records—all in a damaging condition for want of protection and storage room. These papers should be chronologically arranged and bound.

All available space in the Secretary of State's office is filled almost to overflowing with books in wooden cases.

The Stronach warehouse, which is most unsuitable for the purpose, is still being rented for an arsenal and storage room.

In the old arsenal are many thousand volumes of Laws and Supreme Court Reports, piled on the floor for want of room to better care for these books.

The State has been compelled in the last four years to make the following outlay for unsuitable and inconvenient storage rooms:

	1901.	1902.	1903.	1904.
Rent of Stronach warehouse at \$30				
a month	\$360.00	\$360.00	\$360.00	\$360.00
Rent of fourth floor Fisher building,				
at \$7 a month.....	84.00	84.00	84.00	84.00
Insurance on Supreme Court Reports	360.00	447.75	360.00	356.25
	<u>\$804.00</u>	<u>\$891.75</u>	<u>\$804.00</u>	<u>\$800.25</u>

In addition to this is to be added the cost of insurance on military supplies, etc., paid through the Adjutant-General's Department.

Aside from the higher duty of preserving our records, it would be an economy to erect a Hall of Records, as we are annually paying for unsuitable and inadequate storage rooms (not considering the loss in damage to papers and books under the present method of storage) a sum almost equal to what the interest would be on the cost of a necessary building.

The State owns a vacant lot $52\frac{1}{2} \times 105$ feet on the north-west corner of Salisbury and Morgan streets which was purchased as a site for an arsenal. I respectfully suggest that the Legislature will find it an actual economy to build on this lot a substantial four-story fire-proof building and give such space therein as may be necessary to the Secretary of State for filing papers not immediately in use—maps, old papers, etc.; also room and proper arrangements for the storage of Supreme Court Reports, Laws, Public Documents and other publications of the State.

In the offices of the Secretary of State are most of the official records, manuscript documents and valuable papers of the State, original laws and charters. These books and papers are filed in wooden cases, and in the event of fire would be a total loss. There also are the warrants, plots, surveys and grant records of all the lands of North Carolina from 1663 to 1904, inclusive. The warrants, plots and surveys, of which there is no other record, and which it would be impossible to duplicate, are in paper file-boxes. These paper file-boxes, as well as all record books, etc., are cased in large wooden cupboards made of heart-pine, and in case of fire it would be impossible to remove or save them.

This office should be equipped with steel fire-proof cases.

TRADE-MARKS.

The last Legislature passed a liberal trade-mark law, under which forty-four trade-marks or labels have been registered. Proprietors of trade-marks are just beginning to learn of the

existence of this law, and business concerns desiring to protect their labels, marks, etc., are registering them.

BANKS.

The Legislature of 1903 revised the banking laws and provided for the charter of the same by the Secretary of State. Under this Act sixty-two banks have been incorporated, a list of which is appended at the end of this report.

RAILROADS.

The following railroad companies have filed articles of association in this office according to chapter 49 of The Code and amendments thereto, during the past two fiscal years. Names of companies: Kinston and Carolina Railroad Company, Holly Shelter Railroad Company, Southport, Atlantic and Western Railroad Company, North State Railroad Company, Atlantic Railroad Company, Durham and Southern Railway Company, Bee Tree Railroad Company, New Hope Valley Railroad Company.

This law should be amended so as to make the tax schedule of the general corporation law applicable to railroads also.

FOREIGN CORPORATIONS.

The Legislature of 1903 amended the general corporation law by repealing section 57 and inserting the following section in lieu thereof:

Hereafter each foreign corporation, before being permitted to do business in the State of North Carolina (railroad, banking, insurance, express and telegraph companies excepted), shall file in the office of the Secretary of State a copy of its charter or articles of agreement, attested by its president and secretary, under its corporate seal, and a statement, attested in like manner, of the amount of its capital stock authorized, the amount actually issued, the principal office in this State, the name of the agent in charge of such office, the character of the business which it transacts, and the names and post-office address of its officers and directors. And such corporation shall pay to the Secretary of State, for

the use of the State, ten cents for every one thousand dollars of the total amount of the capital stock authorized to be issued by such corporation, but in no case less than ten dollars nor more than one hundred dollars. And every corporation failing to comply with the provisions of this section shall forfeit to the State five hundred dollars, to be recovered, with costs, in an action to be prosecuted by the Attorney-General, who shall prosecute such actions whenever it shall appear that this section has been violated."

Under this section thirty-five foreign corporations have filed their reports and paid the taxes required. See list of same appended.

CORPORATIONS.

The report of this department for the fiscal years ending November 30, 1902, contained such a full review of the corporation law that it will be unnecessary to discuss it further. The Legislature of 1903 made some minor changes in the law, and the Commission to Revise the Laws will in its report to the General Assembly of 1905 recommend other necessary amendments, so they will not be mentioned here.

There have been 1,094 certificates for domestic corporations filed in the office of the Secretary of State for the past two years, on which \$31,122 as organization taxes have been paid.

The following table shows the corporations organized in North Carolina, which were chartered by the Secretary of State:

For the year ending November 30, 1893.....	21
For the year ending November 30, 1894.....	115
For the year ending November 30, 1895.....	133
For the year ending November 30, 1896.....	151
For the year ending November 30, 1897.....	147
For the year ending November 30, 1898.....	156
For the year ending November 30, 1899.....	207
For the year ending November 30, 1900.....	306
For the year ending November 30, 1901.....	327
For the year ending November 30, 1902.....	395
For the year ending November 30, 1903.....	554
For the year ending November 30, 1904.....	540

At end of this report is a list of the corporations organized, amended or dissolved in the past two fiscal years, and the names of the banks chartered by the Secretary of State for year 1903-'04. Also appended is the list of the corporations doing business in this State which are required to report to this office. These lists have been compiled and arranged by Mr. W. S. Wilson, Corporation Clerk.

The above table includes amendments and dissolutions as well as certificates of incorporation.

PAYMENTS TO TREASURER FOR 1903.

Railroads (charter tax).....	\$ 250.00
Laws and Journals.....	210.00
Supreme Court Reports.....	5,083.81
Seal tax*.....	1,277.80
Fees	1,360.85
Trade-marks	30.00
Postage on grants.....	42.20
Impeachment proceedings	4.00
Corporation tax (organization).....	16,828.00
Corporation tax (annual report)*.....	690.50
Corporation tax (foreign)	630.00
Miscellany	61.75
Land grants	4,540.25

PAYMENTS TO TREASURER FOR 1904.

Railroads (charter tax).....	\$ 150.00
Laws and Journals.....	109.25
Supreme Court Reports.....	4,758.44
Seal tax*.....	1,149.52
Trade-marks	61.50
Fees	764.28
Postage on grants	36.60
Corporation tax	14,294.00
Corporation tax (annual report)*.....	756.50
Corporation tax (foreign)	503.50
Miscellany	38.25
Land grants	6,690.35

*\$1 is charged under section 96 of the Corporation Law for filing annual report. A certificate under seal is given upon filing report. For every seal affixed fifty cents is required by law to be paid into the Treasury, so out of every dollar collected for filing report, fifty cents of same is credited to seal account, as shown above.

NOTE.—The amounts of money received by this department (except for entries of vacant lands) are paid to the Treasurer on the first of the month following the month in which they are collected, and so appear in his accounts. For instance, money received by the Secretary of State for November, and entered in the November accounts of this office, appears in the December accounts of the Treasurer, and so for the other months of the year.

EXTRA CLERICAL ASSISTANCE.

In 1902 I reserved out of the \$1,000 allowed for extra clerical assistance \$311.38 for making a Permanent Roll of Registered Voters, but as the Legislature of 1903 endorsed the arrangement made by me, giving each county a "Permanent Roll" recorded in a book to itself, this \$311.38 was not used for that purpose. Of this fund I have used during the year 1904, \$88.67, as follows:

W. H. Sawyer.....	\$55.00
George W. Norwood.....	8.67
Miss I. E. Skinner.....	25.00
	<hr/>
	\$88.67

The remainder of this fund, \$212.71, will be held for necessary expenditures during the year 1905, which, being a legislative year, will require more clerical help than the office is now allowed.

The \$1,000 per annum allowed me for extra clerical assistance has been expended as follows for the years 1903 and 1904:

1903.

Mrs. Mary G. Smith.....	\$489.50
Miss Lillian Thompson.....	198.25
George W. Norwood.....	132.62
W. P. Batchelor.....	118.00
Miss Crow	3.00
Miss Pescud	1.00
Mrs. Shipp	6.00
Copyists	1.20
L. D. Terrell	5.50
Miss Hicks	5.50
A. J. Feild.....	35.00
	<hr/>

\$995.57

1904.

Mrs. Mary G. Smith.....	\$600.00
George W. Norwood	198.50
Miss I. E. Skinner.....	41.50
W. H. Sawyer	120.00
W. S. Wilson	40.00
	<hr/>

\$1,000.00

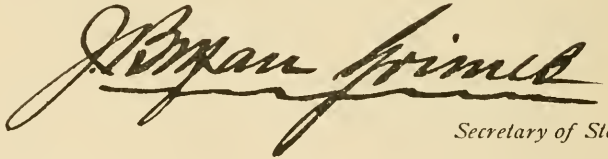
Mr. Sawyer has been employed in gathering together and labeling scattered papers in the Enrolling office and closets of the Capitol.

My clerical force have performed their duties with efficiency and fidelity and have not limited their labors to office hours, and I wish to thank them publicly for their ready and faithful service.


The business in the Secretary of State's office has vastly increased in the last few years and is a fair index to the remarkable progress the State is now making in an industrial way. The work has been systematized, modern improvements introduced and business is dispatched with promptness and accuracy.

Trusting that you will find the suggestions made herein of sufficient importance to recommend them to the General Assembly for their favorable consideration, I am, with much respect,

Your obedient servant,



Secretary of State.

 The Lists of Corporations are now being printed and will appear later.



